

United States District Court  
Southern District of Texas  
FILED

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS

MAR 22 2021

Nathan Ochsner, Clerk

UNITED STATES	)	
	)	
vs	)	Case No. 7:07-CR-00144
	)	
GUADALUPE HERNANDEZ	)	

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MOTION FOR URGENT RESPONSE ON COMPASSIONATE RELEASE

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COMES NOW, Petitioner, Pro Se Guadalupe Hernandez urgently requests a response from the court on his motion for Compassionate Release submitted on 12-11-2020 Docket #1008.

Mr. Hernandez has indicated and confirmed he meets the criteria for Compassionate Release according to the CDC guidelines.

Guadalupe Hernandez is an inmate at Beaumont Low FCI suffering from a combination of illnesses Prostate Cancer, Hernia, Sleep Apnea, and Irregular Bowel. He also has a condition in which he has been scheduled for two of his toes to be amputated and due COVID-19 in the facility it has eliminated and prolonged care and surgery for his toes diagnosis which may cause more severe issues. His pre-existing chronic, debilitating and life-threatening conditions are identified by the Center for Disease Control ("CDC") as high risk for COVID-19 in which she may become severely ill or death if she is exposed to Covid-19.

Mr. Hernandez respectfully asks the Court to Grant his Compassionate Release Motion for "extraordinary and compelling reasons."

FCI Beaumont is in the midst of a severe outbreak on COVID-19 with many inmates has contracted the coronavirus. The facility is not able to control the outbreak, limited medical care, and no social distancing.

His medical conditions and circumstances are more dire and urgent and he humbly requests compassionate release to modify his terms of supervised release for the remainder of his sentence not to exceed his original sentence or time served.

Petition has information that contradicts the courts reason for denying his claim.

1. The Petitioner, Pro Se medical conditions, Prostate Cancer, as well as other underlying health conditions, Sleep Apnea (Upper Respiratory) Hernia, Irregular Bowel Syndrome has been identified as "known" risk factors for developing severe illness or death from COVID-19 according to the CDC. pursuant to 18 U.S.C. 3582(c)(1). The CDC is the highest recognized and only organization authorized to provide guidance on COVID-19 and high risk medical conditions to the Federal Government agencies and facilities.
2. The Petitioner, Pro Se, is not a danger to any one or her community. Her offense is nonviolent in nature, Mr. Hernandez has had no disciplinary incidents since incarcerated. and she is respected by other inmates.
3. This Court should endorse and agree with other courts that have held that the Sentencing Guideline policy statement "provides helpful guidance" but "does not constrain the Court's independent assessment of whether 'extraordinary and compelling reasons' warrant a sentence reduction under § 3582(c)(1)(A)." United States v. Kepa maumau, No. 2:08-CR-00758-TC-11, U.S. District Court, (District of Utah, 2019)  
United States v. Rich, 17-CR094-LM, 2020 DNH 095, at \*5 n.1) (D.N.H. June 2, 2020) (citing United States v. Beck, 425 F.Supp.3d 573, 579 (M.D.N.C. 2019); see also United States v. Fox, No. 2:14-CR-03-DBH, 2019 WL 304086, at \*3 (D. Me. July 11, 2019)). 33.  
United States vs. Jorge Vazquez Torres, Case 1:19-cr-20342-BB, U.S. District Court (S.D. Florida, July 10, 2020).  
United States vs. William Harvey Yellin, Case 3:15-cr-03181-BTM, U.S. District Court, (S.D. California, June 26, 2020).

United States vs. Joseph McMullin, Case 2:11-cr-20345-AJT-RSW. United States District Court, (E.D. Michigan, October 7, 2020).

United States vs. Daniel Vigil, Case 3:09-cr-00322-TJC-PDB, United States District Court, (M.D. Florida October 13, 2020).

United States vs. Edward Deandre Locke, Case 2:18-cr-00132-RAJ, United States District Court, (W.D. Washington June 11, 2020).

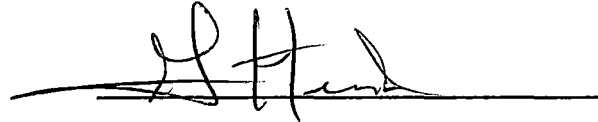
4. Being incarcerated has drastically changed his outlook on life and he is dedicated and self-motivated to improving his life and will never participate in any criminal activity, assist young people in his community and be a better person forever and become a positive and productive citizen with full family and community support.

The combination of Mr. Hernandez's chronic and debilitating medical condition along with severe outbreak of COVID-19 within the BOP Institution Beaumont Low FCI, if he contracts COVID-19 it would undoubtedly lead to severe illness or death - this would clearly warrant Compassionate Release under normal circumstances. However, the COVID-19 pandemic makes Hernandez' circumstances even more extraordinary and compelling, as many district courts have determined.

Accordingly, Mr. Hernandez has demonstrated extraordinary and compelling reasons why this Court should allow this Motion. He will also be able to seek adequate care and treatment for his medical condition.

The Court is now given the power to grant Mr. Hernandez a sentence reduction and modify his term of supervised release to the unserved term of the original sentence. Mr. Hernandez Prays that the Court will grant him a sentence reduction on her reconsideration motion for Compassionate Release.

Respectfully Submitted March 12, 2021

A handwritten signature in black ink, appearing to read 'GH', is written over a horizontal line.

Guadalupe Hernandez 80256-079

FCI Beaumont Low

P. O. Box 26020

Beaumont, Texas 77720

CERTIFICATE OF SERVICE

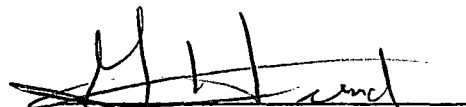
I hereby certify, under penalty of perjury under the laws of the United States of America pursuant to 28 U.S.C. 1746 that I have served a true and correct copy of the foregoing:

- Motion for Urgent Response on Compassionate Release Motion is served upon the following address(es) by placing same in sealed envelope, bearing sufficient postage for delivery via US Postal service FIRST CLASS MAIL to:

United States Clerk of Court  
Bentsen Tower  
1701 West Business HWY, Room 1011  
McAllen, TX 78501

United States Attorney Office  
Bentsen Tower, Suite 600  
1701 W, Hwy 83  
McAllen, TX 78501

Dated: March 12, 2021

A handwritten signature in black ink, appearing to read 'Guadalupe Hernandez', is written over a horizontal line.

Guadalupe Hernandez 80256-079  
Without prejudice UCC 1-308  
FCI Beaumont Low  
P.O. Box 26020  
Beaumont, TX 77720